

Kafala System review of Sinclair James International



Kafala System in the countries near the Persian Gulf has been a global issue since its legalization in the 1950's. It emerged to regulate the relationship between employers and migrant workers in Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates and also the Arab States of Jordan and Lebanon. Under this sponsorship system, the migrant worker is bound to his/her employer or sponsor within their contract period. The migrant worker cannot enter the country, transfer to another employer or leave the country without the permission of his/her kafeel.

The worker must be sponsored by a kafeel in order to enter the destination country and remains tied to this kafeel throughout their stay. The kafeel must report to the immigration authorities if the migrant worker leaves their employment and must ensure the worker leaves the country after the contract ends, including paying for the flight home. Often the kafeel exerts further control over the migrant worker by confiscating their passport and travel documents, despite legislation in some destination countries that declares this practice illegal.

The reality of kafala system lays harm to migrant workers. Many interviewed individuals who have been tied to their employers for a long period of time have pending complaints against the system. The bind is too tight and is only beneficial

to the employer. Those who have been victimized are mostly from Manila, Philippines, Jakarta, Indonesia and Sri Lanka, three of the largest importers of migrant workers in the Middles East.

Then and now, the Kafala System has contributed substantially to creating an immense pool of undocumented workers who are extremely vulnerable to government and employer abuses. While the proven responses to these abuses are grassroots organizing and migrant advocacy, the political and cultural terrain among GCC countries have always proved to be inhospitable to these responses, which are often deemed to be threats to existing socio-cultural norms in the sub region.

The workers are mostly unpaid, arrested, detained, and ultimately deported back to Manila, Philippines, Jakarta, Indonesia and Sri Lanka should they complain or leave, never to come back again. Some migrant workers would choose the latter but there are times when they are being physically, mentally, physiologically and emotionally abused. If the worker would leave without permission from their employers, they can be jailed and charged with a criminal offense. Worse cases would be imposing the death penalty on their heads.

Being under the kafala system, the migrant domestic workers have two choices: stay with their sponsors and die of abuse or leave and face execution for a crime they were not aware of committing

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